

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PNC BANK, N.A., COLUMBIA HOUSING
SLP CORPORATION, and 2013 TRAVIS
OAK CREEK, LP,

Plaintiffs,

v.

2013 TRAVIS OAK CREEK, GP, LLC,
2013 TRAVIS OAK CREEK DEVELOPER,
INC., CHULA INVESTMENTS, LTD., and
RENE O. CAMPOS,

Defendants.

§§§§§
1:17-cv-584-RP
(consolidated with 1:17-cv-560-RP)

2013 TRAVIS OAK CREEK, GP, LLC and
2013 TRAVIS OAK CREEK, LP,

Plaintiffs,

v.

PNC BANK., N.A. and COLUMBIA
HOUSING SLP CORPORATION,

Defendants.

FINAL JUDGMENT

On October 4, 2019, the parties dismissed all claims with prejudice in this case by joint stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (Dkt. 202). The parties ask the Court to retain jurisdiction over this action for the purpose of enforcing their settlement agreement. (*Id.* at 1).

“Stipulated dismissals under Rule 41(a)(1)(A)(ii) . . . require no judicial action or approval and are effective automatically upon filing.” *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). Thus, to ensure that a court retains jurisdiction to enforce the terms of a settlement

agreement, “the filing’s effectiveness must be contingent upon a future act (such as the district court issuing an order retaining jurisdiction).” *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 463 (5th Cir. 2010). A district court is “authorized to embody the settlement contract in its dismissal order (or, what has the same effect, retain jurisdiction over the settlement contract) if the parties agree.” *Id.* (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381–82 (1994)). Here, the Court retains jurisdiction to enforce the parties’ settlement agreement and resolve any disputes related to it.

As no other claims remain to resolve, the Court renders Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that all claims and counterclaims brought by all parties to this action are **DISMISSED WITH PREJUDICE**.

All pending motions in this case are **DISMISSED AS MOOT**.

IT IS ORDERED that the Court shall retain jurisdiction to enforce the parties’ settlement agreement and resolve any disputes related to it.

IT IS ORDERED that each party bear its own costs.

IT IS ORDERED that the case is **CLOSED**.

SIGNED on October 7, 2019.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE